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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,214	03/31/2004	Matthew Paul Duggan	AUS920040011US1	9514
34533 7590 10/31/2007 INTERNATIONAL CORP (BLF) c/o BIGGERS & OHANIAN, LLP P.O. BOX 1469 AUSTIN, TX 78767-1469			EXAMINER KHATRI, ANIL	
			ART UNIT 2191	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/815,214

Applicant(s)

DUGGAN ET AL.

Examiner

Anil Khatri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

As per applicant's request claims 1-7 have been canceled.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8-21 are rejected under 35 USC 101 because they disclose a claimed invention that is an abstract idea as defined in the case *In re Warmerdam*, 33, F 3d 1354, 31 USPQ 2d 1754 (Fed. Cir. 1994).

*Analysis:* Claims 8-21 are disclosed by the applicant as being a "system for controlling GUI display...". Since the claims are each a series of steps to be performed on a computer the processes must be analyzed to determine whether they are statutory under 35 USC 101.

Examiner interprets that the claims 8-14 are non-statutory because they do not disclose that how a system will be able to receive at run time, retrieving an XML representation and from and displaying the GUI object with out incorporating a processor, memory and medium.

Applicant submits no substance that how a system will be able to control GUI display and carry out indented results without any medium. Therefore, claims 8-14 are not able to produce useful

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results so its functionality can be realized. Thus, claims 8-14 are non-statutory and rejected under 35 USC 101.

Further, examiner interprets that claims 15-21 are not limited to tangible embodiments in view of applicant's disclosure, specification pages 15-19 the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., [computer readable medium]) and intangible embodiments (e.g., [transmission media, radio frequency (RF), infrared (IR), a carrier wave, telephone line, a signal, etc.]). As such, the claim is not limited to statutory subject matter and is therefore non-statutory. To overcome this type of 101 rejection the claims need to be amended to include only the physical computer media and not a transmission media or other intangible or non-functional media. For the specification at the, carrier medium and transmission media would be not statutory but storage media would be statutory.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 8-21 are rejected under 35 U.S.C. 102(e) as being anticipated by *Anderson et al* USPN 6,728,750.

Regarding claims 8 and 15

*Anderson et al teaches,*

means for receiving, at run time, in the application from the plug-in a request to display a GUI object, wherein the application has standards of appearance for the GUI display (column 2, lines 5-16, The invention embodies the following main concepts: 1. A multi-tiered application is composed of three types of objects: Graphical User Interface (GUI) objects--Centrally developed objects which allow the user to interact (e.g., view, create, modify) with enterprise data. GUI objects can be composites of other GUI objects. Business Logic (BL) objects--Objects which provide analysis, transformation, validation and other services on enterprise data. Enterprise Data Adapter (EDA) objects--Objects which transfer data between the tiers of a multi-tiered network application, including the persistent enterprise data store);

means for retrieving an XML representation of the GUI object in response to the request that complies with the application's standards of appearance for the GUI display (column 11, lines 15-25, The basic premise here is that GUI objects have expressed interest in receiving certain categories of information and are capable of generating requests for information that may be of interest to other components. The model is not strictly limited to GUI components and Data access components. If you wish to place business logic components in the application, you may do that also. Typically, these will be introduced into the system not by the XML configuration file, but indirectly as one of the GUI or Data access components is instantiated. However, it is a simple extension to include business logic modules in the configuration file);and

means for displaying the GUI object in dependence upon the retrieved XML representation of the GUI object (column 9, lines 17-30, For an enterprise, there can be an additional benefit of using com.ibm.datacapsules. Perhaps an application contains three types of modules; GUI screens, business logic, and data input/output (I/O) classes. These classes can be developed independently if all of the teams agree on the data semantics. For instance, a GUI object can issue a request for a particular type of information by creating a DataCapsule belonging to a "request" category. A data I/O class might monitor for certain "request" DataCapsules and then fetch some data from the enterprise. It would then create some "result" DataCapsules which could be passed on to the GUI or even be intercepted and validated by the business logic objects before "validated" DataCapsules were sent on for the GUI objects to display) and column 8, lines 14-19, com.ibm.datacapsules is a Java.TM. package which provides a facility

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for creation and routing of generic data encapsulation objects within an application. In addition, the com.ibm.datacapsules.xml package provides the facility for applications to share DataCapsule objects 301 in a distributed manner using XML documents or streams).

Regarding claims 9 and 16

*Anderson et al teaches,*

means for installing the plug-in in the application, including means for configuring the application with the location of at least one XML representation of at least one GUI object (column 2, lines 3-35, The invention embodies the following main concepts: 1. A multi-tiered application is composed of three types of objects: Graphical User Interface (GUI) objects--Centrally developed objects which allow the user to interact (e.g., view, create, modify) with enterprise data. GUI objects can be composites of other GUI objects. Business Logic (BL) objects--Objects which provide analysis, transformation, validation and other services on enterprise data. Enterprise Data Adapter (EDA) objects--Objects which transfer data between the tiers of a multi-tiered network application, including the persistent enterprise data store. 2. The GUI, BL and EDA objects contain no application specific data encapsulation objects for data which is defined by the enterprise data model. BL objects encapsulate only application and enterprise business rules. The GUI and BL objects are built using data semantics from the enterprise data model, not application specific semantics. 3. The GUI, BL, and EDA objects communicate with each other, by passing encapsulated data in the form of Generic Data Encapsulation (GDE) objects which contain the embedded data semantics. There is also a facility for creating and routing of GDE objects within an application. 4. Applications

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running in the client and business logic tier(s) are dynamically created at runtime by loading GUI, BL, and EDA objects according to a configuration document provided by a centralized configuration service which typically has an authentication mechanism).

Regarding claims 10 and 17

*Anderson et al teaches,*

means for providing through the application for the plug-in access to a subset of a set of GUI objects supported by a GUI environment (column 3, lines 28-44, The first type of software component is a Graphical User Interface (GUI), consisting of one or more GUI objects 101, which allows the user to interact with the computer by some input device such as a mouse or keyboard, etc. The second type of component is an Enterprise Data Adapter (EDA), consisting of one or more EDA objects 102, which allows the dynamically constructed application to locate, obtain, and update enterprise data which exists persistently somewhere on the network. In some cases, there may be a third type of component, consisting of Business Logic (BL) objects 141, which provides some application specific processing. Typically, these objects will be located on another tier of the network computing application as illustrated in FIG. 1, although this invention does not require this to be the case. The GUI 101 and EDA 102 components are mutually independent and have no knowledge of each other's existence and/or functionality. This is also true for any BL 141 components if present).



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Regarding claims 11 and 18

*Anderson et al teaches,*

means for providing GUI functions for the plug-in through a GUI API in the application, wherein means for receiving, at run time, in the application from the plug-in a request for display of a GUI object further comprises means for receiving a GUI API call from the plug-in (column 9, lines 22-33, For instance, a GUI object can issue a request for a particular type of information by creating a DataCapsule belonging to a "request" category. A data I/O class might monitor for certain "request" DataCapsules and then fetch some data from the enterprise. It would then create some "result" DataCapsules which could be passed on to the GUI or even be intercepted and validated by the business logic objects before "validated" DataCapsules were sent on for the GUI objects to display).

Regarding claims 12 and 19

*Anderson et al teaches,*

means for receiving from the plug-in a request to retrieve user input responsive to the GUI object; and means for returning to the plug-in responsive user input (column 2, lines 5-14, The invention embodies the following main concepts: 1. A multi-tiered application is composed of three types of objects: Graphical User Interface (GUI) objects--Centrally developed objects which allow the user to interact (e.g., view, create, modify) with enterprise data. GUI objects can be composites of other GUI objects. Business Logic (BL) objects--Objects which

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provide analysis, transformation, validation and other services on enterprise data. Enterprise Data Adapter (EDA) objects--Objects which transfer data between the tiers of a multi-tiered network application, including the persistent enterprise data store) and (column 6, lines 18-22, the entries in the left panel of the GUI window in FIG. 5 indicate forms which are active for the user. For instance, if the user selects the "Name and Address" form, a GUI will appear that can display contact information about a customer. This is shown in FIG. 6).

Regarding claims 13 and 20

*Anderson et al teaches,*

means for parsing the retrieved representation of the GUI object, wherein means for displaying the GUI object further comprises means for displaying the GUI object in dependence upon the parsed representation of the GUI object (column 3, lines 53-62, The configuration service then creates an application specification tailored to the individual user or category of user. This specification is transmitted back to the client bootstrap object, preferably in the form of an XML (extensible Markup Language) document, which can be parsed by the bootstrap object and used to configure the GUI. The application specification document includes the information on where to locate and retrieve the GUI, EDA, and possibly BL objects which constitute the client application).

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Regarding claims 14 and 21

*Anderson et al teaches,*

means for publishing XML syntax for representing XML GUI objects operable by a plug-in through the application (column 8, lines 14-19, com.ibm.datacapsules is a Java.TM. package which provides a facility for creation and routing of generic data encapsulation objects within an application. In addition, the com.ibm.datacapsules.xml package provides the facility for applications to share DataCapsule objects 301 in a distributed manner using XML documents or streams).

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri whose telephone number is 571-272-3725. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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**ANIL KHATRI**  
**PRIMARY EXAMINER**